

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No. _____ of 20 _____ DISTRICT Applicant/s

(Advocate)

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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M.A. No.42 of 2021 in O.A. No.69 of 2021

P.R. Arolkar & 3 Ors. ..Applicants

Vs.

The State of Maharashtra & Ors. ..Respondents

Heard Shri Abhijeet U. Pawar, holding for Shri D.B. Khaire, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicants are prosecuting for the same cause of action. For the reasons stated in the MA, leave to sue jointly as prayed for is granted, subject to the Applicants paying requisite court-fees, if not already paid. MA disposed off accordingly.

Sd/-
(P.N. Dixit)
Vice-Chairman
4.2.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

(sgj)

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.69 of 2021

P.R. Arolkar & 3 Ors. ..Applicants
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Abhijeet U. Pawar, holding for Shri D.B. Khaire, learned Advocate for the Applicants and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.

2. The applicants who are working as Mazdoor in the office of City Electrical Sub Division, Mumbai prays that they are eligible and entitled to be promoted to the post of Wireman as they possess requisite qualification.

3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

4. Issue notice before admission returnable on 18.3.2021.

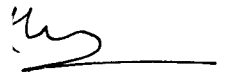
5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-
(P.N./Dixit) I
Vice-Chairman
4.2.2021

(sgj)

Sd/- 
(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A. No.61 of 2021</u>
	Sachin S. Choudhari ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents
	Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
	2. The applicant challenges the order dated 31.12.2020 to the extent of fresh enquiry and also order dated 4.1.2021 of the appointment of Enquiry Officer and Presenting Officer order dated 14.1.2021 by which enquiry officer has fixed date of enquiry as 29.1.2021. It is submitted by the Ld. Advocate that enquiry of the applicant is already over and enquiry officer has submitted enquiry report to the disciplinary authority. However, disciplinary authority has expressed disagreement with the said report and therefore has appointed Second Enquiry Officer. She submits that de novo enquiry cannot be conducted under Rule 9 of MCS (Discipline & Appeal) Rules, 1979. Ld. Advocate for the applicant submits that the procedure is laid down under Rule 9 of the said rules. In support of her submission she relied on para 12 of the judgment of the Hon'ble Supreme Court in K.R. Deb Vs. The Collector of Central Excise, Shillong reported in 1971(2) SCC 102.
	3. The issue before the Hon'ble Supreme Court was pertaining to the Central Act. However, after going through Rule 9 as the procedure is laid down, we call upon the Ld. PO to point out the powers of the Disciplinary Authority to appoint Second Enquiry Officer when the first enquiry officer has after conducting the enquiry has submitted report to the disciplinary authority. It is made clear that the remand



Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

of the enquiry to the same Enquiry Officer is ~~not~~ permissible under Rule 9(1).

4. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

5. Issue notice before admission returnable on 11.2.2021.

6. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

7. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

8. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(P.N. Dixit)
Vice-Chairman
4.2.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI
ORIGINAL APPLICATION NO.64 OF 2021**

Shri Uttam Tejrao Sarod ..Applicant
Versus
The State of Maharashtra & Ors. ..Respondents

Shri M.D. Lonkar – Advocate for the Applicant
Ms. S.P. Manchekar – Chief Presenting Officer for the Respondents

CORAM : Smt. Justice Mridula R. Bhatkar (Chairperson)
Shri P.N. Dixit, Vice-Chairman (A)
DATE : 4th January, 2021

ORDER

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.
2. The applicant who retired as Inspector of State Excise challenges the order dated 13.2.2019 issued by respondent no.1 in respect of punishment in DE i.e. deduction of 30% amount per month from pension for a period of 8 years and order dated 9.10.2020 issued by His Excellency the Governor of Maharashtra i.e. Respondent No.3 of reduction of amount to the tune of 15% per month from pension for a period 8 years.
3. Ld. Advocate for the applicant submits that till January 2019 the applicant was receiving pension. Thereafter, he is not paid the pension. He, therefore, moved this Tribunal by filing OA No.745 of 2017 in which this Tribunal has given directions by order dated 8.3.2019 for payment of

gratuity as well as other retirement benefits. Ld. Advocate for the applicant submits that despite this order of the Tribunal and no challenge was given to this order by the respondents, no payment was made to him accordingly.

4. Ld. Advocate for the applicant submits that OA No.1201 of 2019 was moved again by the applicant in which the DB of this Tribunal by order dated 12.12.2019 directed the respondent no.2 i.e. Accountant General, Maharashtra State to comply with the directions of the Tribunal dated 8.3.2019 in earlier OA No.745 of 2017.

5. Ld. Advocate for the applicant draws our attention to a letter dated 8.1.2020 written from the office of Accountant General to respondent no.1 pointing out the orders of the Tribunal and requesting the Home Department to finalise and forward pension papers in respect of the applicant.

6. Ld. CPO submits that though she is served, she needs time to take instructions from the concerned departments.

7. We have perused the order dated 8.3.2019 in which the Tribunal has directed in para 6 as under:

“Needless to mention that now the respondents are under obligation to release the gratuity as well as other retiral benefits which shall be released within two months from today, failing which the applicant will be entitled to interest.”

8. We have also perused the order dated 12.12.2019 in which the Tribunal has directed in para 5 as under:

“5. Besides, Respondent No.2 is directed to comply with the directions given by this Tribunal on 8.3.2019 in OA No.745/2017 to release the retiral dues in the light of order of punishment imposed upon the applicant. No order as to costs.”

9. From the letter dated 8.1.2020 of the Accountant General it is clear that pension papers and the proposal is not moved from the Home Department till 8.1.2020 to the office of AG. In view of the punishment saddled by respondent no.3 in appeal as of today the applicant is entitled ^{for} his pension for a period of 8 years and thereafter regular pension. However, there is no prohibition in paying other retiral benefits.

10. Ld. CPO to take instructions from the Home Department and also to file short affidavit explaining the delay and in respect of non compliance of the orders of this Tribunal.

11. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

12. Issue notice before admission returnable on 18.2.2021

13. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

14. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

15. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(P.N. Dixit)
Vice-Chairman (A)
4.2.2021

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

Dictation taken by: S.G. Jawalkar.

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..... Applicant/s

(Advocate

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..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.206 of 2020 (Aurangabad)</u></p> <p>Ranjeetdada Shirsath ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.B. Kolpe, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer (Aurangabad Bench) for the Respondents.</p> <p>2. On the basis of the written instructions from the applicant, Ld. Advocate for the applicant seeks leave to withdraw the above OA.</p> <p>3. Leave granted. OA is allowed to be withdrawn and disposed off as such.</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman 4.2.2021</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 4.2.2021</p> <p>(sgj)</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<u>O.A. No.207 of 2020 (Aurangabad)</u>
	Sanjay J. Jadhav ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents
	Heard Shri M.B. Kolpe, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer (Aurangabad Bench) for the Respondents.
	2. On the basis of the written instructions from the applicant, Ld. Advocate for the applicant seeks leave to withdraw the above OA.
	3. Leave granted. OA is allowed to be withdrawn and disposed off as such.
	<div style="display: flex; justify-content: space-around;"> <div style="text-align: center;"> <p>Sd/- (P.N. Dixit) Vice-Chairman 4.2.2021</p> </div> <div style="text-align: center;"> <p>Sd/- (Mridula R. Bhatkar, J.) Chairperson 4.2.2021</p> </div> </div>
	(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

Original Application No.

of 20

DISTRICT

..... Applicant/s

(Advocate

versus

The State of Maharashtra and others

..... Respondent/s

(Presenting Officer.....)

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center"><u>O.A. No.208 of 2020 (Aurangabad)</u></p> <p>Manoj K. Surwade ..Applicant Vs. The State of Maharashtra & Ors. ..Respondents</p> <p>Heard Shri M.B. Kolpe, learned Advocate holding for Shri C.V. Dharurkar, learned Advocate for the Applicant and Shri M.S. Mahajan, learned Chief Presenting Officer (Aurangabad Bench) for the Respondents.</p> <p>2. On the basis of the written instructions from the applicant, Ld. Advocate for the applicant seeks leave to withdraw the above OA.</p> <p>3. Leave granted. OA is allowed to be withdrawn and disposed off as such.</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman 4.2.2021</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson 4.2.2021</p> <p>(sgj)</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

M.A. No.321 of 2020 in O.A. No.736 of 2020

Smt. Mohanabai H. Gaikwad ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The MA is for condoning delay of 19 years and 10 months to file the OA.
3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.
4. Issue notice before admission returnable on 18.3.2021.
5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of M.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-
(P.N. Dixit)
Vice-Chairman
4.2.2021

Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

(sgj)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. _____ of 20____

I N

Original Application No. _____ of 20____

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p align="center">Date: 04.02.2021</p> <p align="center">C.A. No.28 of 2020 in R.A. No.13 of 2019 in O. A. No.35 of 2029</p> <p>Y.L. DharavaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that Respondents 1&2 have sought extension of time in view of pendency of the Writ petition in Hon'ble High Court.</p> <p>3. Respondents are directed to remain present without fail tomorrow at 10.30 a.m.</p> <p>4. S.O. to 05.02.2021.</p> <p align="center">Sd/- (P.N. Dixit) Vice-Chairman</p> <p align="center">Sd/- (Mridula R. Bhatkar, J.) Chairperson</p> <p align="center">NMN</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.66 of 2021

D.D. Sonune ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents.

2. The applicant who is working as a Jailor seeks directions against respondents to forthwith issue revised examination result of the applicant qua Paper No.2 in the departmental examination 2020 held on 7.1.2020 and 8.1.2020.

3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

4. Issue notice before admission returnable on 4.3.2021.

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

8. Ld. Advocate for the applicant undertakes to remove office objections within 10 days including payment of fees, if any. Ld. PO seeks time to file reply.

Sd/-

(P.N. Dixit)
Vice-Chairman
4.2.2021

(sgj)



Sd/-
(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.76 of 2021

Smt. Priyanka S. Ganacharya ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Ms. Neelima Gohad, learned Presenting Officer for the Respondents.

2. The applicant who is a District Sericulture Officer Grade I, Textile and Cooperation Department prays that the DE vide memo dated 29.11.2008 to be declared void ab initio as no power is conferred upon respondent no.2 to initiate DE and it is contrary to Rule 7 of MCS (Discipline & Appeal) Rules, 1979.

3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

4. Issue notice before admission returnable on 12.3.2021.

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(P.N. Dixit)
Vice-Chairman
4.2.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

C.A. No.2 of 2021 in O.A. No.955 of 2019

Dr. S.S. Rajderkar ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Shri Gaurav Sharma, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for Respondents No.1 to 3 and Shri M.R. Govilkar, learned Advocate for Respondent No.4.

2. Ld. CPO informs that file is pending before the Hon'ble Minister of Medical Education and thereafter will be processed for approval of Hon'ble Chief Minister.

3. Ld. Advocate for respondent no.4 submits that the issue of appointment of the applicant as Head of Department or any appointment who is working under the University of Health Sciences – Respondent no.4 does not come under respondent no.4 and respondent no.4 is not concerned with this issue. Therefore, respondent no.4 is to be deleted from the array of respondents.

4. Ld. Advocate for the applicant submits that main relief is against respondents no.1 to 3, and respondents no.4 to 10 are formal parties and no relief is sought against them. Ld. Advocate for the applicant submits that therefore he is not pressing any relief against respondent no.4.

5. In view of this respondent no.4 is hereby deleted from the array of the respondents of this CA.

6. Ld. CPO in the same lines submits that the orders passed by this Tribunal is to be implemented by respondents no.1 & 3. Respondent No.2 and Respondents No.5 to 10 are not concerned with the implementation of the order passed by this Tribunal. Ld. Advocate submits that he does not press relief against respondent no.2, he being the Dean of the Government Medical College, Miraj where claim of the HOD by the applicant is made and is the issue of the OA. Respondent No.6 to 10 are juniors of the applicant and are holding the post of Acting Dean in other Government Colleges in Maharashtra.

7. As prayed by the Ld. CPO, adjourned to 16.2.2021. The respondents are given understanding that this is going to be last chance. If the orders of the Tribunal are not implemented, further actions would be taken by the Tribunal. Hamdast.

Sd/-

(P.N. Dixit)
Vice-Chairman
4.2.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

Date : 04.02.2021

O.A.No.363 of 2020

V.S. Chaudhary & Ors. ... Applicants
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri M.D. Lonkar, learned Advocate for the Applicants and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

LATER ON

2. Learned C.P.O. informs that she has communicated order of this Tribunal to the concerned Respondents.

3. Smt. Archana Walzade, Under Secretary is directed to remain present in the Tribunal as the Reply is still not filed since last so many months.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar J.)
Chairperson

NMN

LATER ON :

1. Smt. Archana Walzade, Under Secretary, Public Health Department present in person. She seeks time to file affidavit-in-reply with regard to the steps taken so far

2. Time granted. Adjourned to 25.02.2021.

(P.N. Dixit)
Vice-Chairman

(Mridula Bhatkar J.)
Chairperson

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Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
directions and Registrar's orders

Tribunal's orders

O.A. No.58 of 2021

K.D. Chemte ..Applicant
Vs.
The State of Maharashtra & Ors. ..Respondents

Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. The applicant who is a Police Constable prays that he be sent for training at Police Training Centre along with batchmates of the applicant and granted all consequential service benefits. The applicant's very appointment which was on the basis of Sports Certificate is disputed by the respondents on the basis of its validity. Ld. Advocate for the applicant submits that other batchmates of the applicant are already sent for training and therefore he also be sent to the training, subject to outcome of the enquiry.

3. The office objections, if any, are to be removed and court-fees to be paid, if not already paid.

4. Issue notice before admission returnable on 25.2.2021.

5. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A. Private service is allowed in view of this present COVID-19 Pandemic situation. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.

6. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.

7. The service may be done by hand delivery/ speed post/courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file affidavit of compliance and notice.

Sd/-

(P.N. Dixit)
Vice-Chairman
4.2.2021

(sgj)

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson
4.2.2021

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Date : 04.02.2021

O.A.No.277 of 2020

Dr. S.B. Chavan ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Smt. Punam Mahajan, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents.

2. Respondent No.4, Ms. Smita G. Nomulwar Private Party is present. She has come from Pune.

3. In this matter instructions from the Respondents are required especially ^{in view of} on the ratio laid down in the Judgment of Hon'ble Supreme Court in *Rajesh K. Daria v/s. Rajasthan Public Service Commissioner and Others (2007) 8 S.C.C. 785*.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar J.)
Chairperson

NMN

LATER ON :

1. The learned C.P.O. on instructions informs that the process of verification of the documents for medical examination of the applicant is in progress and the order of appointment of the applicant is likely to be issued within fortnight.

2. In view of this, matter is adjourned to 18.02.2021. Matter be placed under the caption 'For Withdrawal'.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula Bhatkar J.)
Chairperson

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

I N

Original Application No. of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.02.2021

O.A.No.709 of 2020

D.B. Karpe ... Applicant



Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri S.B. Gaikwad, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.

2. The learned P.O. seeks time for filing affidavit-in-reply.

3. Time granted. Adjourned to 01.03.2021.

 Sd/- 

**(Mridula Bhatkar J,
Chairperson**

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

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FARAD CONTINUATION SHEET No.



Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.02.2021

O.A.No.625 of 2020

S.S. Rajadhyaksha ... Applicant
Vs.
The State of Maharashtra & Ors ... Respondents

1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.
2. The learned P.O. seeks time for filing affidavit-in-reply.
3. Time granted. Adjourned to 08.03.2021.

 Sd/- 
**(Mridula Bhatkar J.)
Chairperson**

prk

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No. of 20

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
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Date : 04.02.2021

O.A.No.735 of 2020 with M.A.No.320 of 2020

M.H. Gaikwad ... Applicant

Vs.

The State of Maharashtra & Ors ... Respondents

1. Heard Shri U.V. Bhosle, learned Advocate for the Applicant and Ms. N.G. Gohad, learned Presenting Officer for the Respondents.

2. The Applicant has filed the O.A. for directions to the Respondents that she should be paid the pay and allowances for the period from 01.10.2013 to 28.02.2014.

3. The learned P.O. submits that the amount as claimed will be paid to the applicant within two weeks.

4. The M.A.NO.320/2020 is filed for condoning of delay of 6 years and 2 months. In view of the instructions received from Mrs. Barge Vinita, Assistant Conservator of Forest, and Shri Prakash Rajbhoj, Chief Accountant, the M.A.No.320/2020 is allowed. No reply is required to be filed in O.A.

5. Adjourned to 15.02.2021 for reporting compliance of the order. Matter be placed under the caption 'For Urgent'.

Sd/-

**(Mridula Bhatkar J,
Chairperson**

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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
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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.02.2021</p> <p align="center">M.A. No.678 of 2019 in O.A. No.1209 of 2029</p> <p>S.A. PatilApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. submits that she has received parawise remarks. She seeks time.</p> <p>3. Time as prayed is granted.</p> <p>4. S.O. to 18.02.2020.</p> <p align="center"> Sd/-  Sd/-  (P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson </p> <p align="center">NMN</p>

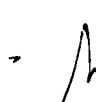

IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL MUMBAI

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Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date: 04.02.2021</p> <p>M.A. No.700 of 2019 in R.A. No.23 of 2019 in O.A.1052 of 2016 with R.A. No.23 of 2019 in O.A.1052 of 2016</p> <p>V.S. KalekarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt. Bhagyashree Upadhyay, learned Advocate for the Applicant and Ms. S.P. Manchekar, learned Presenting Officer for the Respondents.</p> <p>2. Learned Advocate for the Applicant submits that she has served 98 Respondents. However, the packets of 27 have returned as unserved and 71 Respondents are effectively served. She informs that she has served the office of Director General of Police and asks for detail of the email id who are not served.</p> <p>3. Address of the Respondents i.e. email id is to be furnished in two weeks.</p> <p>4. S.O. to 01.04.2021.</p> <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- </p> <p>(P.N. Dixit) Vice-Chairman</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula R. Bhatkar, J.) Chairperson</p> </div> </div> <p style="text-align: center; margin-top: 20px;">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

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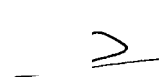
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	<p>Date: 04.02.2021</p> <p align="center">M.A. No.162 of 2020 in O. A. No.258 of 2020</p> <p>C.A. RaneApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant and Smt. K.S. Gaikwad, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. prays that at least One week time to be given to file Reply.</p> <p>3. One week time as prayed is granted.</p> <p>4. S.O. to 11.02.2021.</p> <p align="center">Sd/-  Sd/- </p> <p align="center">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson</p> <p>NMN</p>

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	<p>Date: 04.02.2021</p> <p style="text-align: center;">M.A. No.94 of 2020 in O. A. No.131 of 2020</p> <p>S.S. TawdeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Niranjana Deshpande, learned Advocate holding for Shri Kranti L.C., learned Advocate for the Applicant and Ms S.P. Manchekar, learned Chief Presenting Officer for the Respondents. 2. Learned C.P.O. seeks time to file Reply to the amended O.A. 3. Amendment allowed in M.A. forthwith in respect of period of delay in prayer clause. 4. S.O. to 04.03.2021. <div style="display: flex; justify-content: space-around; margin-top: 20px;"> <div style="text-align: center;"> <p>Sd/- </p> <p>(P.M. Dixit) Vice-Chairman</p> </div> <div style="text-align: center;"> <p>Sd/- </p> <p>(Mridula R. Bhatkar, J.) Chairperson</p> </div> </div> <p style="margin-top: 20px;">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center">Date: 04.02.2021</p> <p align="center">M.A. No.37 of 2021 in M.A. No.76 of 2020 in O. A. No.465 of 2019</p> <p>S.K. MukherjeeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri D.B. Khaire, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents. 2. Learned Advocate prays that he be allowed to substitute the O.A. No.465/2019 instead of amending O.A. No.465/2019 as directed by this Tribunal by order dated 25.11.2019. 3. Learned P.O. submit to the order of the court. 4. Allowed. 5. It is to be substituted and Order to be implemented in three weeks. 6. S.O. to 04.03.2021. <p align="center">Sd/-  Sd/- (P.N. Dixit) / (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson</p> <p align="center">NMN</p>

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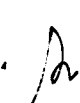

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	<p align="center">Date: 04.02.2021</p> <p align="center">O. A. No.1029 of 2019</p> <p>P.M. VelswamyApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri Kranti L.C., learned Advocate for the Applicant and Smt. Archana B.K., learned Presenting Officer for the Respondents. 2. Affidavit-in-Rejoinder is filed. 3. Admit. 4. However, liberty given to Respondent to file Sur-Rejoinder. 5. S.O. to 28.04.2021. <p align="center">Sd/-  Sd/- </p> <p align="center">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson</p> <p>NMN</p>

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	<p>Date: 04.02.2021</p> <p style="text-align: center;">O.A. No.216 of 2020 with M.A. No.342 of 2020</p> <p>S.W. ThakareApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri B.A. Bandiwadekar, learned Advocate for the Applicant, Ms. S.P. Manchekar, learned Chief Presenting Officer for the Respondents No.1,2,4to7 and Mr. Rajpurohit, learned Advocate holding for Shri N.K. Rajpurohit, Learned Advocate for the Respondent No.3 Union of India.</p> <p>2. Learned Advocate Shri B.A. Bandiwadekar files N.O.C. and Vakalatnama. It is taken on record.</p> <p>3. Learned Advocate appearing for Respondent No.3 Union Of India prays that Respondent No.3 to be deleted as it is not concerned with the issue and so also on the point of jurisdiction.</p> <p>4. Affidavit-in-Reply is filed on behalf of Respondent No.4. i.e. M.P.S.C.. It is taken on record.</p> <p>5. The Application of deletion of Respondent No.3 i.e. M.A. No.342/2020 to be served to Respondent state.</p> <p>6. S.O. to. 04.03.2021.</p> <p style="text-align: center;">Sd/- ————— Sd/-</p> <p style="text-align: center;">(P.N. Dixit) (Mridula R. Bhatkar, J.) Vice-Chairman Chairperson</p> <p style="text-align: center;">NMN</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date: 04.02.2021</p> <p align="center">C.A. No.41 of 2020 in O.A. No.556 of 2007</p> <p>A.B. GhodeswarApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. It is informed by the learned Advocate for the Applicant that pursuant to the order dated 05.01.2021 and 14.01.2021, the Applicant had visited the office of Respondents and after discussion the Respondents have taken decision to give him the benefit of the post of Nayab Tehsildar and order accordingly will be issued within a week. However, in respect of benefits of the post of Tehsildar, Respondents have come across punishment order dated 28.09.2016 (by covering letter dated 12.01.2021) issued by Under Secretary, Food and Civil Supply Department by which the authority is directed to deduct 6% of amount of his pension per month for a period of one year. The said letter dated 12.01.2021 along with order dated 28.09.2016 is taken on record and marked as exhibit '1' for identification. However, the said punishment was not implemented. Hence, there was no deduction thereafter, for a period of one year.</p> <p>3. Learned P.O. submits that Applicant was made aware of this position. The Applicant thereafter by letter dated 01.02.2021 has stated that he is ready to deposit the amount in lumpsum in respect of punishment. The said letter dated 01.02.2021 is taken on record and marked as exhibit '2' for identification.</p>

Office Notes, Office Memoranda of Coram,
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Tribunal's orders

4. In view of exhibit '1' and '2', we direct the Respondents to calculate the total amount of recovery due to punishment and communicate the said figure to the Applicant within one week i.e. on or before 12.02.2021. Within one week thereafter, the amount to be deposited by the Applicant in the treasury and the receipt of the same to be produced in the office thereafter.

5. Respondents to comply the order of this Tribunal within two weeks after the production of the receipt.

6. Respondents are directed to implement the order of the Tribunal on or before 12.03.2021. The Applicant is directed to co-operate.

7. C.A. is disposed of.

Sd/-

(P.N. Dixit)
Vice-Chairman

Sd/-

(Mridula R. Bhatkar, J.)
Chairperson

NMN

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p align="center">Date: 04.02.2021</p> <p align="center">O. A. No.581 of 2020</p> <p>G.A. JagtapApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Smt Punam Mahajan, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Learned P.O. has filed Affidavit-in-Sur-Rejoinder on behalf of Respondent No.2. It is taken on record.</p> <p>3. Adjourned to 22.02.2021 for hearing at the stage of admission.</p> <p align="right">Sd/- (A.P. Kurhekar) Member (J)</p> <p align="center">NMN</p>

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	<p align="center">Date: 04.02.2021</p> <p align="center">O. A. No.382 of 2020</p> <p>A.D. KhadakeApplicant Versus The State of Maharashtra & Ors.Respondents.</p> <p>1. Heard Shri M.D. Lonkar, learned Advocate for the Applicant and Shri A.J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. Interim Relief to continue till next date.</p> <p>3. S.O. to 08.02.2021.</p> <p align="right"> ^u Sd/- ↓ (A.P. Kurhekar) Member (J) </p> <p>NMN</p>

Office Notes, Office Memoranda of Coram,
Appearance, Tribunal's orders or
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Date : 04.02.2021

O.A.No.98 of 2021

R.C. Sonawane

....Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents.
2. In present O.A., the Applicant has challenged the transfer order dated 29.10.2020 whereby he was transferred from Pimpari-Chinchwad Commissionerate to Kolhapur range contending that it is mid-term and mid-tenure transfer without compliance of provisions of Maharashtra Police Act.
3. Learned Counsel for the Applicant sought interim stay to transfer order dated 29.10.2020 which is opposed by learned P.O. on the ground of delay in approaching the Tribunal.
4. In view of delay in filing O.A., I am not inclined to grant interim relief.
5. Issue notice before admission returnable on 02.03.2021.
6. Tribunal may take the case for final disposal at this stage and separate notice for final disposal shall not be issued.
7. Applicant is authorized and directed to serve on Respondents intimation/notice of date of hearing duly authenticated by Registry, along with complete paper book of O.A.. Respondents are put to notice that the case would be taken up for final disposal at the stage of admission hearing.
8. This intimation/notice is ordered under Rule 11 of the Maharashtra Administrative Tribunal (Procedure) Rules, 1988, and the questions such as limitation and alternate remedy are kept open.
9. The service may be done by Hand delivery, speed post, courier and acknowledgement be obtained and produced along with affidavit of compliance in the Registry within one week. Applicant is directed to file Affidavit of compliance and notice.
10. In case notice is not collected within seven days or service report on affidavit is not filed 3 days before returnable date, Original Application shall stand dismissed without reference to Tribunal and papers be consigned to record.
11. S.O. to 02.03.2021.

Sd/-

(A.P. Kurhekar)
Member(J)

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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Date : 04.02.2021

O.A.No.655 of 2020

Dr. K. S. Deshpande

...Applicant

Versus

The State of Maharashtra & Ors.

...Respondents.

1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.

2. Learned P.O. for the Respondents submits that the decision on representation made by the Applicant will be taken soon and also seeks time to file reply.

3. Two weeks time is granted for filing reply. In the meantime, the representation made by the Applicant be decided in accordance to rules.

4. S.O. to 15.02.2020.

Sd/-

**(A.P. Kurhekar)
Member(J)**

vsm

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
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	<p>Date : 04.02.2021</p> <p align="center">O.A.No.1118 of 2019</p> <p>Dinesh KadamApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. BAndiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer for the Respondents.</p> <p>2. On request of learned Counsel for the Applicant, one week time is granted as a last chance for filing Rejoinder.</p> <p>3. S.O. to 11.02.2021.</p> <p align="right"> Sd/- (A.P. Kurhekar) Member(J) </p> <p>vsm</p>

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	<p>Date : 04.02.2021</p> <p align="center">O.A.No.556 of 2020</p> <p>A. T. Wakade ...Applicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Smt. Punam Mahajan, learned Counsel for the Applicant and Shri A. J. Chougule holding for Smt. Kranti Gaikwad, learned Presenting Officer for the Respondents. 2. On request of learned P.O. for Respondent No.1, two weeks time is granted for filing reply. 3. According to learned Counsel for the Applicant, Respondent No.2 is already served. However, perusal of record reveals that no affidavit of service is filed. 4. Applicant is, therefore, directed to take necessary steps in this behalf. 5. S.O. to 22.02.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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	<p>Date : 04.02.2021</p> <p align="center">O.A.No.961 of 2019</p> <p>R. P. AdisareApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <ol style="list-style-type: none"> 1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Ms N.G. Gohad, learned Presenting Officer for the Respondents. 2. In the present O.A., the Applicant has challenged suspension order dated 31.07.2019 whereby he was kept under suspension invoking Rule 4(2)(a) of Maharashtra Civil Services (Discipline & Appeal), Rules 1979 as a deemed suspension in view of his detention in custody for more than 48 hours for the offences under Prevention of Corruption of Act, 1988. 3. Notices were issued to the Respondents by order dated 30.09.2019 but no reply is filed. 4. In view of above, the matter is taken up today for hearing at the stage of admission. 5. Today, learned P.O. has tendered the copy of order dated 27.01.2021 issued by the Divisional Commissioner, Kokan Division, Navi Mumbai whereby Review Committee has decided to continue the suspension of the Applicant. 6. Learned P.O. further submits that the D.E. initiated against the Applicant is at fag end and final decision would be taken soon. 7. Per contra, learned Counsel for the Applicant submits that there is no communication of decision of Review Committee to the Applicant. 8. On request of learned P.O., one week time is granted as a last chance for filing reply so that O.A. can be decided on its own merit. 9. S.O. to 11.02.2021. <p align="right">Sd/- (A.P. Kurhekar) Member(J)</p>


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	<p>Date : 04.02.2021</p> <p align="center">O.A.No.545 of 2020</p> <p>B. A. WaghmareApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant and Shri A. J. Chougule, learned Presenting Officer holding for Ms S. P. Manchekar, learned Chief Presenting Officer for the Respondents.</p> <p>2. Pleading is complete.</p> <p>3. The matter is adjourned for hearing at the stage of admission with liberty to the Applicant to file Rejoinder, if any.</p> <p>4. S.O. to 24.02.2021.</p> <p align="right">Sd/-  (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

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FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.02.2021</p> <p align="center">O.A.No.451 of 2020 with O.A.No.453 of 2020</p> <p>A. G. GoteApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri A. V. Bandiwadekar, learned Counsel for the Applicant, Shri A. J. Chougule, learned Presenting Officer for the Respondents and Smt. Punam Mahajan, learned Counsel for the Respondent No.6 in O.A.No.453/2020.</p> <p>2. Smt. Mahajan, learned Counsel for the Respondent No.6 submits that reply will be filed during the course of the day in O.A.No.453/2020. Statement is accepted. It be taken on record.</p> <p>3. Today, Learned Counsel for the Applicant has filed Rejoinder in O.A.No.453/2020. It is taken on record.</p> <p>4. In so far as other Respondents in O.A.No.451/2020 and 453/2020 are concerned, on request of learned P.O., two weeks time is lastly granted for filing reply as a last chance.</p> <p>5. S.O. to 22.02.2021.</p> <p align="right">Sd/-</p> <p align="right">(A.P. Kurhekar) Member(J)</p> <p>vsm</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders Date : 04.02.2021
	<p style="text-align: center;">O.A.No.402 of 2020</p> <p>A. N. SableApplicant Versus The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Shri C. T. Chandratre, learned Counsel for the Applicant is present. Heard Ms N. G. Gohad, learned Presenting Officer for the Respondents.</p> <p>2. In the present O.A., the Applicant has challenged the transfer order dated 07.08.2020 whereby he was transferred from the village Naitale, Tal.Niphad, District Nashik to village Mhasadi, Tal. Sakari, Dist. Dhule as Live Stock Development Officer.</p> <p>3. After impugned transfer order, the Applicant had made representation to the Government on 14.08.2020 seeking posting at Lasalgaon or Jaulke or Sayyed Pimpri, District Nashik.</p> <p>4. When the matter was taken up for admission on 25.08.2020, the Tribunal granted interim relief in favour of the Applicant to continue him at village Naitale till his representation dated 14.08.2020 is decided which is not decided yet.</p> <p>5. Shir C. T. Chandratre, learned Counsel for the Applicant made a fair statement that he be allowed to withdraw the O.A. with directions to Respondents to consider his representation dated 14.08.2020 within a stipulated period. Until the decision on representation, interim relief be continued.</p> <p>6. Learned P.O. has no objection.</p> <p>7. In view of above, the Applicant is allowed to withdraw O.A. with directions to the Respondents to decide the representation dated 14.08.2020 within a month from today and interim relief shall continue for a month from today.</p> <p>8. The Respondents are further directed to communicate the decision to the applicant within a week from the date of decision.</p> <p>9. In view of above, Original Application is disposed of with no order as to costs.</p> <p style="text-align: right;">Sd/-  (A.P. Kurhekar) Member(J)</p> <p>vsm</p>

**IN THE MAHARASHTRA ADMINISTRATIVE TRIBUNAL
MUMBAI**

M.A./R.A./C.A. No.

of 20

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Original Application No.

of 20

FARAD CONTINUATION SHEET No.

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>Date : 04.02.2021</p> <p align="center">O.A.No.49 of 2020</p> <p>Shri Ramdas MaliApplicant</p> <p>Versus</p> <p>The State of Maharashtra & Ors. ...Respondents.</p> <p>1. Heard Shri Arvind Bandiwadekar, learned Counsel for the Applicant and Smt. Archana B. K., learned Presenting Officer for the Respondents.</p> <p>2. This O.A. is filed challenging communication dated 11.10.2019 issued by the Respondent No.1—Deputy Director of Education Mumbai Region, Mumbai thereby denying gratuity on the ground that the same cannot be paid until the decision of Criminal Case No.06/2010 pending in Sessions Court, Thane.</p> <p>3. On hearing of learned Counsels what emerges is as follows:-</p> <p>(A) While the Applicant was serving as Head Clerk in the office of Education Officer (Secondary), Pay & Provident Fund, Thane he was arrested while accepting bribe for the offences under provisions of Corruption Act, 1988 and was in custody for more than 48 hours.</p> <p>(B) The Applicant was suspended by order dated 29.10.2009 invoking Rule 4(1)(c) of Maharashtra Civil Services (Discipline & Appeal) Rules 1979.</p> <p>(C) He was reinstated in service on 31.05.2012.</p> <p>(D) The charge sheet in Criminal Case was filed and registered vide Special Case No.06/2010 in the court of Sessions Judge (Special Judge), Thane.</p> <p>(E) The Applicant stands retired on 31.08.2012.</p> <p>(F) The Applicant was granted provisional pension but gratuity has been withheld since the D.E. was not finalized and Criminal Case also remains undecided.</p> <p>(G) The Applicant made an application on 30.07.2019 for grant of gratuity which was rejected by impugned order dated 11.10.2019.</p>

Office Notes, Office Memoranda of Coram, Appearance, Tribunal's orders or directions and Registrar's orders	Tribunal's orders
	<p>4. It is very unfortunate that though the period of more than eight years from the date of retirement is over till date neither D.E. is concluded by passing final order therein nor Criminal Case is decided. It appears that the charge was framed in Criminal Case on 10.06.2014 only and even thereafter also there is no progress in Criminal Case.</p> <p>5. The issue posed for consideration in present O.A. is whether the Applicant is entitled to gratuity during the pendency of D.E. as well as Criminal Case on the basis of Rule 130(c) of Maharashtra Civil Services (Pension) Rules, 1982.</p> <p>6. Shri A. V. Bandiwadekar, learned Counsel for the Applicant sought to contend that infact there was no initiation of D.E. by serving charge sheet upon the Applicant so as to attract Rule 130 of MCS (Pension) Rules. According to him all that Applicant was asked to remain present before the Enquiry Officer.</p> <p>7. In view of above, learned P.O. was directed to produce the record of D.E. to find out service of chare sheet in D.E. but the same is not produced.</p> <p>8. The date of initiation of D.E. as well as the date of initiation of criminal proceeding are relevant to decide the present O.A. so as to examine the applicability of Rule 130 of Maharashtra Civil Services (Pension) Rules.</p> <p>9. In view of above, the Respondent is directed to file affidavit to clarify the date of initiation of D.E. and should also file copy of the said charge sheet of D.E. He is further directed to produce certified copy of charge sheet in Criminal Case of Special Case No.06/2010 to know as to on which date the court has taken cognizance of the same.</p> <p>10. In the meantime, the Applicant is at liberty to request learned Special Judge, Thane to expedite hearing of Special Case NO.06/2010 since his gratuity is withheld due to pendency of Criminal Case for more than eight years.</p> <p>11. S.O. to 22.02.2021.</p> <p style="text-align: right;">Sd/-</p> <p style="text-align: right;">(A.P. Kurhekar) Member(J)</p>